



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Tenth Day

Monday Afternoon

February 8, 2021

The invocation was offered by Chaplain Matt Barnes of the Public Servant's Prayer.

The House convened at 2:30 p.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Young.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker
Aylesworth	Lauer
Baird	Ledbetter
Barrett	Lehe
Bartels	Lehman
Bartlett	Leonard
Bauer	Lindauer
Behning	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison <input type="checkbox"/>
Davisson	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak	Olthoff
Eberhart	Pack
Ellington	Payne
Engleman	Pfaff
Errington	Pierce
Fleming	Porter
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor
Gore	Rowray
Gutwein	Saunders
Hamilton	Schaibley
Harris	Shackleford
Hatcher	Slager
Hatfield	Smaltz
Heaton	Smith, V.
Heine	Snow
Hostettler	Soliday
Jackson	Speedy
Jacob	Steuerwald
Jeter	Sullivan
Johnson	Summers
Jordan	Teshka
Judy	Thompson

Torr
VanNatter
Vermilion ☐
Wesco

J. Young
Zent
Ziemke
Mr. Speaker

Roll Call 70: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 9, 2021, at 2:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1109, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 4.

Page 3, delete lines 22 through 26.

Re-number all SECTIONS consecutively.

(Reference is to HB 1109 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 9, after "supervision," insert "**clinical services, rehabilitation services,**".

Page 2, line 36, strike "a specific method of delivery of".

Page 2, strike lines 37 through 39.

Page 2, line 40, strike "examination or other service to a patient at a distant location.".

Page 2, line 41, after "following:" insert "**the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, supervision, clinical services, rehabilitation services, and information across a distance.**".

Page 5, line 8, delete "data." and insert "**data performed or directed by a practitioner.**".

Page 5, line 9, delete "education." and insert "**education performed or directed by a practitioner.**".

Page 5, line 10, delete "administration." and insert "**administration performed or directed by a practitioner.**".

Page 5, delete lines 16 through 29, begin a new paragraph and insert:

"SECTION 10. IC 25-1-9.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. As used in this chapter, "practitioner" means any of the following:

(1) An individual who holds:

- (A) an unlimited license, certificate, or registration;
- (B) a limited or probatory license, certificate, or registration;
- (C) a temporary license, certificate, registration, or permit;
- (D) an intern permit;
- (E) a provisional license; or
- (F) a post graduate training permit;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20, and who provides health care services under this chapter that are within the individual's scope of practice. The term includes a student pursuing a course of study that is required for licensure by a board and who is providing services directed by a licensed individual of the same profession who is eligible to provide telehealth under this section.

(2) An individual who:

- (A) does not qualify as a practitioner under subdivision (1);
- (B) has a license, certificate, registration, permit, or is otherwise approved by an Indiana state governmental department, division, bureau, or agency to provide health care services; and
- (C) provides health care services under this chapter that are within the scope of practice under the individual's license, certificate, registration, permit, or approval."

Page 6, delete lines 8 through 28, begin a new paragraph and insert:

"SECTION 13. IC 25-1-9.5-6, AS ADDED BY P.L.78-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this chapter, "telemedicine" "telehealth" means the delivery use of health care services using electronic communications and information technology, including: telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, supervision, clinical services, rehabilitation services, and information across a distance.

- (1) secure videoconferencing;
- (2) interactive audio-using store and forward technology; or
- (3) remote patient monitoring technology;

between a provider in one (1) location and a patient in another location.

(b) The term does not include the use of the following:

- (1) Audio-only communication;
- (2) A telephone call;
- (3) Electronic mail;
- (4) An instant messaging conversation;
- (5) Facsimile;
- (6) Internet questionnaire;
- (7) Telephone consultation;
- (8) Internet consultation."

Page 7, line 4, strike "for an individual who is".

Page 7, line 5, strike "located in Indiana".

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"(c) Notwithstanding subsection (d), a veterinarian licensed under IC 25-38.1 may only provide telehealth services to a patient with which the veterinarian has already

established a veterinarian-client-patient relationship as described in IC 25-38.1-1-14.5."

Page 8, line 10, delete "(c)" and insert "(d)".

Page 8, line 11, delete "interactive".

Page 8, line 16, delete "(d)" and insert "(e)".

Page 8, line 21, after "message;" insert "or".

Page 8, delete lines 23 through 24.

Page 8, line 27, delete "(c)" and insert "(d)".

Page 8, line 30, delete "(c)" and insert "(d)".

Page 8, line 31, delete "(e)" and insert "(f)".

Page 8, line 34, delete "(f)" and insert "(g)".

Page 8, line 38, delete "(g)" and insert "(h)".

Page 9, strike lines 34 through 40.

Page 9, between lines 40 and 41, begin a new line block indented and insert:

"(3) A practitioner acting in the usual course of the practitioner's professional practices issues the prescription for a legitimate medical purpose.

(4) The telehealth communication is conducted using an audiovisual, real time, two-way interactive communication system."

Page 9, after line 42, begin a new line block indented and insert:

"(6) All other applicable federal and state laws are followed."

Page 14, line 26, strike "(a)".

Page 14, line 27, delete "'telehealth'".

Page 14, line 27, strike "services" means health care services delivered by use of "

Page 14, strike line 28.

Page 14, line 29, strike "following:" and insert "'telehealth services" means the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, supervision, clinical services, rehabilitation services, and information across a distance."

Page 14, strike lines 30 through 37.

Page 15, between lines 13 and 14, begin a new paragraph and insert:

"(e) If a policy provides coverage for telehealth services via:

- (1) secure videoconferencing;
- (2) store and forward technology; or
- (3) remote patient monitoring technology;

between a provider in one (1) location and a patient in another location, the policy may not require the use of a specific information technology application for those services."

Page 15, strike line 31.

Page 15, line 32, strike "or other electronic media, including the following:" and insert "means the use of telecommunications and information technology to provide access to health assessment, diagnosis, intervention, consultation, supervision, clinical services, rehabilitation services, and information across a distance."

Page 15, strike lines 33 through 40.

Page 16, between lines 28 and 29, begin a new paragraph and insert:

"(f) If a policy provides coverage for telehealth services via:

- (1) secure videoconferencing;
- (2) store and forward technology; or
- (3) remote patient monitoring technology;

between a provider in one (1) location and a patient in another location, the policy may not require the use of a specific information technology application for those services."

Renumber all SECTIONS consecutively.

(Reference is to HB 1286 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1340 as introduced.)

Committee Vote: Yeas 11, Nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1372, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"(c) The political subdivision employing a police officer who transports an individual under subsection (a) may bill the individual or the individual's responsible party for the transportation provided in subsection (a). Any funds collected from billing under this section must be deposited in the general fund of the political subdivision."

Delete page 2.

(Reference is to HB 1372 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FRYE R, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1377, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 25.

Page 4, line 19, after "design" insert ", text, marking,".

Page 7, line 10, after "design" insert ", text, marking,".

Page 8, line 33, after "design" insert ", text, marking,".

Renumber all SECTIONS consecutively.

(Reference is to HB 1377 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred House Bill 1393, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1393 as introduced.)

Committee Vote: Yeas 13, Nays 0.

CARBAUGH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1465, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1465 as introduced.)

Committee Vote: Yeas 10, Nays 0.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1467, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 4.

Page 2, line 7, delete "(a) As used in this section,".

Page 2, delete lines 8 through 42.

Page 3, delete lines 1 through 20.

Page 3, line 21, delete "(d)" and insert "(a)".

Page 2, run in line 7 through page 3, line 21.

Page 3, line 28, delete "qualified".

Page 3, line 29, after "professional" insert **"authorized to provide Medicaid services"**.

Page 3, line 33, delete "(e)" and insert "(b)".

Page 3, delete lines 34 through 42.

Page 4, delete lines 1 through 3.

Page 4, line 14, delete "(ASAM)." and insert **"(ASAM), if the authorized Medicaid rehabilitation option services are not currently reimbursed as an eligible service under the ASAM 3.1 level of care Section 1115 Medicaid demonstration waiver bundled rate."**

Page 4, line 20, delete "conferencing, telephone services, and text messaging services," and insert **"conferencing and audio services,"**.

Page 5, line 21, delete "conferencing, telephone services," and insert **"conferencing or audio services"**.

Page 5, line 22, delete "or text messaging services".

Page 5, line 23, delete "and at a reimbursement rate determined" and insert **"using behavioral health professionals authorized to provide services under the Medicaid program regardless of approved technology used to undertake the service."**

Page 5, delete lines 24 through 25.

Page 5, delete lines 31 through 42.

Delete page 6.

Page 7, line 5, delete "employees: or providers of" and insert "employees or providers of".

Page 7, line 6, reset in roman "mental health services:".

Page 7, line 21, delete "five (5)" and insert **"two (2)"**.

Page 7, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 11. IC 25-23.6-10.5-6, AS AMENDED BY P.L.49-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) An applicant under section 2 of this chapter must complete the following educational requirements:

(1) Twenty-seven (27) semester hours or forty-one (41) quarter hours of graduate course work that must include graduate level course credits with material in at least the following content areas:

(A) Addiction counseling theories and techniques.

~~**(B) Foundations of addiction counseling.**~~

~~**(C) (B) Psychopharmacology.**~~

~~**(D) (C) Psychopathology.**~~

~~(E)~~ (D) Clinical appraisal and assessment.

~~(F)~~ (E) Theory and practice of group addiction counseling.

~~(G)~~ (F) Counseling addicted family systems.

~~(H)~~ (G) Multicultural counseling.

~~(I)~~ (H) Research methods in addictions.

~~(J)~~ (I) Areas of content as approved by the board.

(2) At least one (1) graduate level course of two (2) semester hours or three (3) quarter hours in the following areas:

(A) Legal, ethical, and professional standards issues in the practice of addiction counseling and therapy or an equivalent course approved by the board.

(B) Appraisal and assessment for individual or interpersonal disorder or dysfunction.

(3) At least one (1) supervised clinical practicum, internship, or field experience in an addiction counseling setting that requires the applicant to provide seven hundred (700) hours of clinical addiction counseling services and that must include the following:

(A) Two hundred eighty (280) face to face client contact hours of addiction counseling services under the supervision of a ~~licensed clinical addiction counselor who has at least five (5) years of experience or a qualified supervisor, approved as determined by the board.~~

(B) ~~One hundred (100)~~ **Thirty-five (35)** hours of supervision from a ~~licensed clinical addiction counselor who has at least five (5) years experience as a qualified supervisor, approved as determined by the board.~~

However, an applicant who has completed a clinical practicum, internship, or field experience to obtain another license under this article is not required to complete the clinical addiction counseling services hours required under this subdivision.

(4) Any qualifications established by the board under subsection (c).

(b) The content areas under subsection (a)(1) may be combined into any one (1) graduate level course if the applicant can prove that the course work was devoted to each content area.

(c) The board shall adopt rules to establish any additional educational or clinical qualifications as specified by the Council for Accreditation of Counseling and Related Educational Programs or a successor organization.

~~(d) Notwithstanding subsection (a)(1)(B), an individual is not required to have a graduate level course credit in foundations of addiction counseling before July 1, 2021, to be eligible for licensure as a clinical addiction counselor. This subsection expires July 1, 2021.~~

SECTION 12. IC 25-23.6-10.5-7, AS AMENDED BY P.L.160-2018, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 7. (a) An applicant under section 1 of this chapter must have at least two (2) years of addiction counseling experience that must include at least one hundred fifty (150) hours under supervision, one hundred (100) hours of which must be under individual supervision and fifty (50) hours of which must be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship, **or a supervised master's level practicum, internship, or field experience in addiction counseling,** may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) Except as provided in subsection (e), the work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction counseling; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor.

(e) Up to fifty percent (50%) of the supervised addiction counseling experience hours required under subsection (a) may be accounted for through virtual supervision by a qualified supervisor described in subsection (a).

SECTION 13. IC 25-23.6-10.5-8, AS ADDED BY P.L.122-2009, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 8. (a) An applicant under section 2 of this chapter must have at least two (2) years of clinical addiction counseling experience that must include at least two hundred (200) hours under supervision, one hundred (100) hours of which must be under individual supervision and **up to** one hundred (100) hours of which ~~must~~ **may** be under group supervision. The supervision required must be provided by a qualified supervisor, as determined by the board.

(b) A doctoral internship may be applied toward the supervised work experience requirement.

(c) Except as provided in subsection (d), the experience requirement may be met by work performed at or away from the premises of the qualified supervisor.

(d) The work requirement may not be performed away from the qualified supervisor's premises if:

(1) the work is the independent private practice of addiction therapy; and

(2) the work is not performed at a place that has the supervision of a qualified supervisor."

Renumber all SECTIONS consecutively.

(Reference is to HB 1467 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1497, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-17-13.5-6, AS AMENDED BY P.L.156-2019, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 29, 2021]: Sec. 6. (a) As used in this section, "hyperbaric oxygen treatment" means treatment for traumatic brain injury or posttraumatic stress disorder that is ordered by a health care provider and delivered in a hyperbaric chamber.

(b) The department shall establish a pilot program for the purpose of providing assistance for each provider that has been approved by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans receiving treatment under section 4(b) of this chapter.

(c) The state department of health shall issue a request for proposals to **select up to five (5) providers that collectively represent the north, south, east, west, and central geographic areas of twice annually within** Indiana to offer the treatment described in section 4(b) of this chapter.

(d) An individual veteran is eligible to begin treatment if the service related event that caused the traumatic brain injury or posttraumatic stress disorder is documented by a licensed physician.

(e) An individual veteran may not be required to pay a co-pay under the pilot program.

(f) A grant under the pilot program established under

subsection (b) may be provided only to the provider chosen by the state department of health to provide diagnostic testing and hyperbaric oxygen treatment to veterans.

(g) The state department of health, after consulting with the department, shall adopt rules under IC 4-22-2 to implement section 4(b) of this chapter, including standards for the following:

- (1) Determination by a provider that an individual is a veteran eligible for participation in the pilot program.
- (2) Determination by the state department of health that a provider is eligible to participate in the pilot program, including:
 - (A) a requirement that the provider must maintain compliance with applicable fire codes, treatment protocols, and state department of health oversight; and
 - (B) other facility standards determined by the state department of health.
- (3) Treatment plan requirements, including the following:
 - (A) A provider's submission to the state department of health, before providing hyperbaric oxygen treatment to a veteran, of a treatment plan that includes:
 - (i) a health care provider's prescription for hyperbaric oxygen treatment;
 - (ii) verification by the provider that the veteran is eligible for participation in the pilot program and voluntarily accepts treatment through the pilot program;
 - (iii) an estimate of the cost of the veteran's treatment; and
 - (iv) any other information required by the state department of health.
 - (B) A reasonable time frame for:
 - (i) approval or disapproval by the state department of health of a treatment plan described in clause (A); and
 - (ii) notice to the provider of approval or disapproval of the treatment plan.
 - (C) Contingent on sufficient funding available in the fund, approval of each treatment plan that meets the requirements established by the state department of health under this section.
 - (D) The sources of funding for the estimated treatment cost for each veteran whose treatment plan is approved under this section.
- (4) Criteria for approval of payment for treatment that has been verified by the state department of health to have been provided under a treatment plan approved under subdivision (3), including:
 - (A) whether a drug or device used in the treatment plan has been approved for any purpose by the federal Food and Drug Administration; **and**
 - (B) **health improvement verification** of the veteran receiving the treatment, as demonstrated through:
 - (i) ~~standardized, independent pretreatment and posttreatment neuropsychological testing; billing documentation from the provider of the hyperbaric oxygen therapy treatments; or~~
 - (ii) ~~nationally accepted survey instruments; attendance documentation signed by the provider and treatment recipient attesting to the receipt of the prescribed treatments.~~
 - (iii) ~~neurological imaging; or~~
 - (iv) ~~clinical examination; and~~
 - (C) ~~receipt by the state department of health of pretreatment and posttreatment evaluation documentation.~~
- (5) Confidentiality of all individually identifiable patient information of a veteran. However, subject to the requirements of the federal Health Insurance Portability and Accountability Act and any other applicable medical

record laws, all data and information from which the identity of an individual veteran cannot be reasonably ascertained must be available to the general assembly, participating institutional review boards, participating health care providers, medical researchers, and other governmental agencies.

(h) A provider under this section, including a physician who supervises treatment, shall bill the pilot program and be paid at cost out of the grant amount awarded to the provider. No providers may profit from services provided under the pilot program. Services offered under the pilot program are provided as a service to veterans.

(i) Each provider shall quarterly file a status report concerning the services provided by the provider under the pilot program with the following:

- (1) The department.
- (2) The state department of health.

(j) At the conclusion of the pilot program, the department, in collaboration with the state department of health, shall prepare a written final report and transmit it to the following:

- (1) The governor.
- (2) The leadership of the legislative council in electronic format under IC 5-14-6.
- (3) The chairperson of the house committee on veterans affairs and public safety.
- (4) The chairperson of the senate committee on veterans affairs and the military.

The report required under this subsection must be made available on the department's Internet web site.

(k) This section expires ~~June 30, 2021~~: **June 30, 2025**."

Page 1, line 5, delete "and" and insert "or".

Page 1, line 6, after "(2)" insert "**nursing services and**".

Page 2, after line 3, begin a new line block indented and insert:

"(4) A person providing services under the Program of All-Inclusive Care for the Elderly (PACE) described in IC 12-15-43.

SECTION 3. P.L.156-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

(a) The following definitions apply throughout this SECTION:

- (1) "Department" refers to the Indiana department of veterans' affairs.
- (2) "Pilot program" refers to the pilot program established under IC 10-17-13.5-6, as amended by this act, to provide assistance to approved providers that furnish diagnostic testing and hyperbaric oxygen treatment to veterans.

(b) Money appropriated to the department in P.L.217-2017, SECTION 8, for purposes of the pilot program for state fiscal years beginning July 1, 2017, and ending June 30, 2019, and remaining unspent at the end of the state fiscal year ending June 30, 2019:

- (1) remains available to the department for the purposes of the pilot program; and
- (2) does not revert to the state general fund.

(c) Money appropriated to the department for purposes of the pilot program for state fiscal years beginning July 1, 2017, and ending June 30, 2019, may not be spent after June 30, 2021: **2025**. Any money appropriated to the department for the pilot program that remains unspent after June 30, 2021: **2025**, reverts to the state general fund.

(d) This SECTION expires July 1, 2021: **2025**.

SECTION 4. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1497 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BARRETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1576, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "The" and insert "**Not later than July 1, 2022, the**".

(Reference is to HB 1576 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PRESSEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1576, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "The" and insert "**Not later than July 1, 2022, the**".

(Reference is to HB 1576 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

PRESSEL, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1065, 1077, 1120, 1166, 1168, 1176, 1198, 1202, 1227, 1305, 1483, 1514 and 1520.

House Bill 1030

Representative Aylesworth called down House Bill 1030 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1030-2)

Mr. Speaker: I move that House Bill 1030 be amended to read as follows:

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"(c) A vacancy in the office occurs if:

(1) the county officer does not file a petition for judicial review within the time set forth in section 9 of this chapter; or

(2) the court does not reinstate the county officer under section 10 of this chapter.

(d) The adoption of the resolution operates to suspend the county officer from office until the date:

(1) the court reinstates the county officer under section 10 of this chapter; or

(2) a vacancy in the office is filled under IC 3."

Page 3, line 24, delete "removed" and insert "**suspended**".

Page 3, line 26, delete "removal" and insert "**suspension**".

Page 3, line 31, delete "who has been removed under this".

Page 3, line 32, delete "chapter".

Page 3, line 33, after "body" insert "**to remove the county officer**".

Page 4, line 15, after "chapter." insert "**However, if the court grants the county officer relief, the court shall award the county officer reasonable attorney's fees, court costs, and other reasonable expenses of litigation.**".

Page 4, delete lines 18 through 21, begin a new paragraph and insert:

"Sec. 11. (a) Except as provided in subsection (b), the chief deputy employee of the office assumes the duties of the county officer's office for the period of time beginning on the date the county officer is suspended from office under section 7 of this chapter until the date:

(1) the county officer is reinstated by a court under section 10 of this chapter; or

(2) the vacancy in the office is filled under IC 3.

(b) If a chief deputy employee does not exist in the office, or the chief deputy employee declines or is ineligible to serve, the county executive and the county fiscal body shall appoint, as soon as is reasonably possible, an acting replacement for the county officer until the date set forth in subsection (a)."

(Reference is to HB 1030 as printed February 4, 2021.)

SAUNDERS

Motion prevailed. The bill was ordered engrossed.

House Bill 1064

Representative Cherry called down House Bill 1064 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1123

Representative Lehman called down House Bill 1123 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1123-2)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 7. IC 10-14-3-12, AS AMENDED BY P.L.90-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

(1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and

(2) terminates the state of disaster emergency by executive order or proclamation.

A state of disaster emergency may not continue for longer than thirty (30) days. ~~unless the state of disaster emergency is renewed by the governor.~~ The general assembly, by ~~concurrent joint~~ resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection **through a joint resolution, the governor shall issue an executive order or proclamation ending the state of disaster emergency is terminated and the executive order or proclamation is null and void.** All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

(b) An executive order or proclamation of a state of disaster emergency:

(1) activates the disaster response and recovery aspects of

the state, local, and interjurisdictional disaster emergency plans applicable to the affected political subdivision or area; and

(2) is authority for:

(A) deployment and use of any forces to which the plan or plans apply; and

(B) use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available under this chapter or under any other law relating to disaster emergencies.

(c) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations. This section does not restrict the governor's authority to delegate or assign command authority by orders issued at the time of the disaster emergency.

(d) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(2) Use all available resources of the state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 31 of this chapter, commandeer or use any private property if the governor finds this action necessary to cope with the disaster emergency.

(5) Assist in the evacuation of all or part of the population from any stricken or threatened area in Indiana if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in the area.

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(9) Make provision for the availability and use of temporary emergency housing.

(10) Allow persons who:

(A) are registered as volunteer health practitioners by an approved registration system under IC 10-14-3.5; or

(B) hold a license to practice:

(i) medicine;

(ii) dentistry;

(iii) pharmacy;

(iv) nursing;

(v) engineering;

(vi) veterinary medicine;

(vii) mortuary service; and

(viii) similar other professions as may be specified by the governor;

to practice their respective profession in Indiana during the period of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana.

(11) Give specific authority to allocate drugs, foodstuffs, and other essential materials and services."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed February 4, 2021.)

NISLY

Upon request of Representatives Nisly and Jacob, the Speaker ordered the roll of the House to be called. Roll Call 71: yeas 3, nays 93. Motion failed.

HOUSE MOTION

(Amendment 1123-12)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 7. IC 4-12-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2021 (RETROACTIVE)]: **Sec. 20.**

(a) Beginning January 1, 2021, if the state receives a federal assistance grant or money in an amount greater than seventy-five million dollars (\$75,000,000) due to a federal emergency declaration, the budget committee shall review any proposed disbursement or allocation of money received as part of the federal assistance before any disbursement or allocation may occur.

(b) The budget committee may carry out the review described in subsection (a) at its next regularly scheduled meeting or any meeting called by the budget committee chairperson."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed February 4, 2021.)

PORTER

Representative Leonard rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed House Bill 1123 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION

(Amendment 1123-5)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(c) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of an individual to visit another individual in hospice during an emergency."

(Reference is to HB 1123 as printed February 4, 2021.)

JACOB

Upon request of Representatives Jordan and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 72: yeas 5, nays 92. Motion failed.

Representative Vermilion, who had been excused, is now present.

HOUSE MOTION

(Amendment 1123-13)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, delete lines 7 through 18.

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed February 4, 2021.)

DELANEY

Upon request of Representatives Karickhoff and Morris, the Speaker ordered the roll of the House to be called. Roll Call 73: yeas 23, nays 75. Motion failed.

HOUSE MOTION
(Amendment 1123-3)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-3-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "executive order" refers to an order of the governor that does or is described in any of the following:

- (1) Establishes an agency or a program in the executive branch of state government.
- (2) Directs the operation, organization, or policy of the executive branch of state government.
- (3) Is issued under IC 1-1-3.5 relating to census data.
- (4) Is issued under IC 3-3-2-2 relating to the establishment of Indiana congressional districts.
- (5) Is issued under either of the following statutes to extend the expiration date of an administrative rule:
 - (A) IC 4-22-2.5-5.
 - (B) IC 13-14-9.5-5.
- (6) Is issued under IC 5-1.2-16-4 relating to the issuance of bonds.
- (7) Is issued under IC 5-10-6-1(a) relating to state employee benefits.
- (8) Is issued under IC 8-23-17-20 relating to relocation assistance.
- (9) Is issued under IC 10-16-12-1 relating to the establishment of military awards and decorations.
- (10) Relates to a health benefit exchange under IC 27-19-1-3.
- (11) Is issued under IC 34-30-27-2 relating to immunity from civil liability.

(b) As used in this section, "proclamation" refers to a statement issued by the governor that is not an executive order and is intended only for ceremonial or hortatory purposes.

(c) An executive order:

- (1) may not be issued for any purpose other than stated in subsection (a);
- (2) does not, except as provided in the statutes cited in subsection (a), have the force of law; and
- (3) may not be directed to a political subdivision or to the people of Indiana.

(d) A proclamation:

- (1) does not have the force of law; and
- (2) may be directed to a political subdivision or to the people of Indiana."

Delete pages 2 through 4.

Page 5, delete lines 1 through 14.

Page 5, line 15, delete "(b)" and insert:

"SECTION 2. IC 10-14-0.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 0.5. Right to Worship During an Emergency Sec. 1."

Page 5, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 3. IC 10-14-3 IS REPEALED [EFFECTIVE UPON PASSAGE]. (Emergency Management and Disaster Law).

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on public safety and military affairs established by IC 2-5-1.3-4(12).

(b) The legislative services agency, under the supervision of the committee, shall prepare legislation for introduction during the 2022 session of the general assembly to amend Indiana law to make necessary corrections and changes in

the Indiana Code to reflect the public policy established by:

(1) IC 4-3-1-7, as added by the act; and

(2) the repeal of IC 10-14-3 by this act.

(c) This SECTION expires January 1, 2023."

Page 6, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed February 4, 2021.)

NISLY

Upon request of Representatives Nisly and Jacob, the Speaker ordered the roll of the House to be called. Roll Call 74: yeas 3, nays 93. Motion failed.

HOUSE MOTION
(Amendment 1123-6)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(c) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of an individual to visit another individual in a nursing home during an emergency."

(Reference is to HB 1123 as printed February 4, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 75: yeas 6, nays 92. Motion failed.

HOUSE MOTION
(Amendment 1123-4)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 7. IC 10-14-3-7, AS AMENDED BY P.L.1-2006, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Because of the existing and increasing possibility of disasters or emergencies of unprecedented size and destructiveness that may result from manmade or natural causes, to ensure that Indiana will be adequately prepared to deal with disasters or emergencies or to prevent or mitigate those disasters where possible, generally to provide for the common defense, to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is found and declared to be necessary:

- (1) to provide for emergency management under the department of homeland security;
- (2) to create local emergency management departments and to authorize and direct disaster and emergency management functions in the political subdivisions of the state;
- (3) to confer upon the ~~governor and upon the executive heads or~~ governing bodies of the political subdivisions of the state the emergency powers provided in this chapter;
- (4) to provide for the rendering of mutual aid among the political subdivisions of the state, with other states, and with the federal government to carry out emergency, disaster, or emergency management functions; and
- (5) to authorize the establishment of organizations and the implementation of steps that are necessary and appropriate to carry out this chapter.

(b) It is also the purpose of this chapter and the policy of the state to:

- (1) coordinate all emergency management functions of this state to the maximum extent with the comparable functions of:

- (A) the federal government, including the federal government's various departments and agencies;
- (B) other states and localities; and

- (C) private agencies of every type; so that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur;
- (2) prepare for prompt and efficient rescue, care, and treatment of persons victimized or threatened by disaster;
- (3) provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters;
- (4) clarify and strengthen the roles of the:
 - (A) governor;
 - (B) state agencies; and
 - (C) local governments;
- in the prevention of, preparation for, response to, and recovery from disasters;
- (5) authorize and provide cooperation between departments of government in:
 - (A) disaster prevention;
 - (B) preparedness;
 - (C) response; and
 - (D) recovery;
- (6) authorize and provide coordination of activities relating to:
 - (A) disaster prevention;
 - (B) preparedness;
 - (C) response; and
 - (D) recovery;
- by agencies and officers of Indiana, and similar state-local, interstate, federal-state, and foreign activities in which the state and its political subdivisions may participate; and
- (7) provide a disaster management system embodying all aspects of pre-disaster preparedness, disaster operations, and post-disaster response.

SECTION 8. IC 10-14-3-12, AS AMENDED BY P.L.90-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The governor shall declare a disaster emergency by executive order or proclamation if the governor determines that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency continues until the governor:

- (1) determines that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist; and
- (2) terminates the state of disaster emergency by executive order or proclamation.

A state of disaster emergency may not continue for longer than thirty (30) days unless the state of disaster emergency is renewed by the governor. The general assembly, by concurrent resolution, may terminate a state of disaster emergency at any time. If the general assembly terminates a state of disaster emergency under this subsection, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster, the area or areas threatened, and the conditions which have brought the disaster about or that make possible termination of the state of disaster emergency. An executive order or proclamation under this subsection shall be disseminated promptly by means calculated to bring the order's or proclamation's contents to the attention of the general public. Unless the circumstances attendant upon the disaster prevent or impede, an executive order or proclamation shall be promptly filed with the secretary of state and with the clerk of the city or town affected or with the clerk of the circuit court.

(b) An executive order or proclamation of a state of disaster emergency:

- (1) activates the disaster response and recovery aspects of the state, local, and interjurisdictional disaster emergency plans applicable to the affected political subdivision or

area; and

(2) is authority for:

- (A) deployment and use of any forces to which the plan or plans apply; and
- (B) use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available under this chapter or under any other law relating to disaster emergencies.

(c) During the continuance of any state of disaster emergency, the governor is commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations. This section does not restrict the governor's authority to delegate or assign command authority by orders issued at the time of the disaster emergency.

(d) In addition to the governor's other powers, the governor may do the following while the state of emergency exists:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(2) Use all available resources of the state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 31 of this chapter, commandeer or use any private property if the governor finds this action necessary to cope with the disaster emergency.

(5) Assist in the evacuation of all or part of the population from any stricken or threatened area in Indiana if the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(6) Prescribe routes, modes of transportation, and destinations in connection with evacuation.

(7) Control ingress to and egress from a disaster area, the movement of persons within the area, and the occupancy of premises in the area.

(8) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

(9) Make provision for the availability and use of temporary emergency housing.

(10) Allow persons who:

- (A) are registered as volunteer health practitioners by an approved registration system under IC 10-14-3.5; or
- (B) hold a license to practice:

- (i) medicine;
- (ii) dentistry;
- (iii) pharmacy;
- (iv) nursing;
- (v) engineering;
- (vi) veterinary medicine;
- (vii) mortuary service; and
- (viii) similar other professions as may be specified by the governor;

to practice their respective profession in Indiana during the period of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana.

(11) Give specific authority to allocate drugs, foodstuffs, and other essential materials and services.

SECTION 9. IC 10-14-3-13 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) In addition to the governor's existing powers and duties, the governor has the duties and special energy emergency powers set forth in this section; subject to the limitations in this chapter.

(b) The governor may, upon finding that an energy emergency exists, proclaim a state of energy emergency at which time all the general and specific emergency powers specified in this section and section 14 of this chapter become effective.

(c) A proclamation issued under this section and any order or rule issued as a result of the proclamation continues in effect until sixty (60) days after the date of the proclamation of the energy emergency unless the governor rescinds the proclamation and declares the energy emergency ended before the expiration of the sixty (60) day period.

(d) The governor may not renew or extend a proclamation more than once without approval of the general assembly.

(e) The conditions of an energy emergency cease when the governor declares the end of an energy emergency.

(f) In a declared state of energy emergency, the governor may do the following:

(1) Implement programs, controls, standards, priorities, and quotas for the conservation and consumption of energy; including plans and commission regulations for the curtailment of energy if the governor imposes controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency.

(2) Suspend and modify state pollution control standards and requirements affecting or affected by the use of energy; including standards or requirements relating to air or water quality control.

(3) Establish and implement intrastate regional programs and agreements for the purposes of coordinating the energy program and actions of the state with the federal government and other states, localities, and other persons.

(4) Designate the execution and enforcement of emergency orders to a state agency that regulates the energy form, resource, or suppliers that are the subject of the proclaimed emergency.

(5) Suspend the provisions of any state statute regulating transportation or the orders or rules of any state agency if strict compliance with any of the provisions would prevent, hinder, or delay necessary action in coping with the energy emergency.

(g) Restrictions, curtailments, or adjustments under subsection (f) must:

(1) be ordered and continue only as long as demonstrably necessary for the maintenance of essential services or transportation or for the continued operation of the economy but not longer than the proclamation's duration;

(2) be applied as uniformly as practicable within each class of suppliers and consumers and without discrimination within a class; and

(3) give due consideration to:

(A) the implementation of involuntary measures only after voluntary measures have been determined to be ineffective;

(B) protection of public health and safety;

(C) maintenance of vital activities; including but not limited to food, shelter, fuel, and medical care;

(D) minimization of economic impact on commercial, retail, professional, agricultural, and service establishments;

(E) cooperation with other state, local, and federal governments to avoid duplicating efforts; and

(F) maintenance of public information channels.

(h) This section does not mean that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this section has

any continuing legal effect after the cessation of a declared state of energy emergency.

(i) Except as provided in this section, this chapter does not exempt a person from compliance with the provisions of any other law, rule, or directive unless:

(1) specifically ordered by the governor; or

(2) impossibility of compliance is a direct result of the governor's order.

(j) (f) A proclamation issued under this section shall be:

(1) disseminated promptly and in a manner calculated to inform the general public of its contents; and

(2) filed promptly with the secretary of state and the clerk of each circuit court of Indiana.

SECTION 10. IC 10-14-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In determining whether to declare an energy emergency under section 13 of this chapter, the governor shall consider:

(1) the availability of regional and national energy resources;

(2) local, state, regional, and national energy needs and shortages;

(3) the availability of short term alternative supplies on a local, state, regional, and national basis;

(4) the economic effect of the declaration and the implementation of any curtailment or conservation plans; and

(5) any other relevant factors.

(b) To protect the public welfare during conditions of energy emergencies proclaimed under section 13 of this chapter, the governing body of each city, town, or political subdivision of the state and each state agency (including the utility regulatory commission) shall carry out in the body's or agency's jurisdiction energy supply emergency measures ordered by the governor.

(c) To attain uniformity throughout the country in measures taken to aid in energy crisis management, all:

(1) action taken under this section and section 13 of this chapter; and

(2) orders and rules made under this section and section 13 of this chapter;

must be taken or made consistent with federal orders, rules, actions, recommendations, and requests.

(d) A person shall comply with a specific order issued or action taken by the governor under this section or section 13 of this chapter.

(e) During a state of energy emergency proclaimed under section 13 of this chapter, the governor may:

(1) subpoena:

(A) witnesses;

(B) material;

(C) relevant books;

(D) papers;

(E) accounts;

(F) records; and

(G) memoranda;

(2) administer oaths; and

(3) cause the depositions of persons residing within or outside Indiana to be taken in the manner prescribed for depositions in civil actions;

to obtain information relevant to energy resources that are the subject of the proclaimed emergency.

(f) In obtaining information under subsection (e), the governor shall:

(1) avoid eliciting information already furnished by a person or political subdivision in Indiana to a federal, state, or local regulatory authority that is available for the governor's study; and

(2) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities wherever possible.

(g) Information obtained under this section from a person who designates that information as confidential shall be maintained as confidential by the governor and by any person who obtains information that the person knows to be confidential under this chapter. The governor may not make known in any manner any particulars of information to persons other than those specified in subsection (j):

(h) This section does not prohibit the use of confidential information to prepare statistics or other general data for publication if the information is presented in a manner that prevents identification of the particular persons:

(i) A person who is served with a subpoena to:

- (1) give testimony orally or in writing; or
- (2) produce books, papers, correspondence, memoranda, agreements, or other documents or records;

under this chapter may apply to an Indiana court for protection against abuse or hardship in the manner provided by law.

(j) For purposes of this section, references to the governor in this section include any other individual designated in writing by the governor. A person designated by the governor shall preserve the confidentiality of information in accordance with subsection (g):

(k) The powers vested in the governor under this section and section 13 of this chapter are in addition to and not instead of emergency powers vested in the governor under this chapter or any other state law.

(l) The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state from the general fund in the amount necessary if:

- (1) an energy emergency is declared by the governor; and
- (2) the energy emergency justifies the expenditure;

in accordance with section 28 of this chapter for other emergency or disaster expenditures."

Page 5, delete lines 19 through 42.

Page 6, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed February 4, 2021.)

NISLY

Upon request of Representatives Nisly and Jacob, the Speaker ordered the roll of the House to be called. Roll Call 76: yeas 6, nays 91. Motion failed.

HOUSE MOTION (Amendment 1123-7)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(c) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of an individual to visit another individual in a hospital during an emergency."

(Reference is to HB 1123 as printed February 4, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 77: yeas 6, nays 90. Motion failed.

HOUSE MOTION (Amendment 1123-8)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(c) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not restrict the right of any business to conduct business as usual during an emergency."

(Reference is to HB 1123 as printed February 4, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 78: yeas 11, nays 85. Motion failed.

HOUSE MOTION (Amendment 1123-9)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 5, between lines 18 and 19, begin a new paragraph and insert:

"(c) The state, a political subdivision, or an officer or employee of the state or a political subdivision may not impose any mandates or restrictions on any individual or any family during an emergency."

(Reference is to HB 1123 as printed February 4, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 79: yeas 4, nays 94. Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

House Bill 1256

Representative McNamara called down House Bill 1256 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1353

Representative Speedy called down House Bill 1353 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1353-1)

Mr. Speaker: I move that House Bill 1353 be amended to read as follows:

Page 2, line 11, after "IC 6-1.1-11-4(e)," insert **"but subject to subsection (f),"**

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"(f) A transferee church or religious society described in subsection (e) has constructive knowledge that the property will continue to be used in a manner that is consistent with this section, and that the exempt status of the property has carried over subject to the property's continued use in a manner that is consistent with this section. If, after the transfer, some or all of the property is subsequently used in a manner that is not consistent with this section, the transferee church or religious society shall notify the county assessor of the resulting ineligibility for an exemption not later than twenty (20) days after the change in eligibility status of the property."

Page 2, line 25, delete "IC 6-1.1-10-21(e)," and insert **"IC 6-1.1-10-21(e) and IC 6-1.1-10-21(f), both"**.

Page 2, line 26, delete "applies" and insert **"apply"**.

(Reference is to HB 1353 as printed February 4, 2021.)

PORTER

Upon request of Representatives Porter and Jackson, the Speaker ordered the roll of the House to be called. Roll Call 80: yeas 29, nays 63. Motion failed.

Representative Lehman, who had been present, is now excused.

HOUSE MOTION (Amendment 1353-2)

Mr. Speaker: I move that House Bill 1353 be amended to read as follows:

Page 2, line 11, after "IC 6-1.1-11-4(e)," insert **"but subject to subsection (f),"**

Page 2, between lines 24 and 25, begin a new paragraph and

insert:

"(f) A transferee church or religious society described in subsection (e) shall notify the county assessor for the county where the property is located of the change in ownership on a form prescribed by the department of local government finance. The form may be submitted at the same time a sales disclosure form is filed with the county auditor under IC 6-1.1-5.5."

Page 2, line 25, delete "IC 6-1.1-10-21(e)," and insert "**IC 6-1.1-10-21(e) and IC 6-1.1-10-21(f), both**".

Page 2, line 26, delete "applies" and insert "**apply**".

(Reference is to HB 1353 as printed February 4, 2021.)

PORTER

Upon request of Representatives Porter and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 81: yeas 28, nays 67. Motion failed. The bill was ordered engrossed.

House Bill 1402

Representative Schaibley called down House Bill 1402 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1402-1)

Mr. Speaker: I move that House Bill 1402 be amended to read as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 4. IC 27-1-44.5-2, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. As used in this chapter, "health payer" includes the following:

- (1) Medicare.
- (2) Medicaid or a managed care organization (as defined in IC 12-7-2-126.9) that has contracted with Medicaid to provide services to a Medicaid recipient.
- (3) An insurer that issues a policy of accident and sickness insurance (as defined in IC 27-8-5-1), **except for the following types of coverage:**

(A) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(B) Coverage issued as a supplement to liability insurance.

(C) Automobile medical payment insurance.

(D) A specified disease policy.

(E) A policy that provides indemnity benefits not based on any expense incurred requirements, including a plan that provides coverage for:

- (i) hospital confinement, critical illness, or intensive care; or
- (ii) gaps for deductibles or copayments.

(F) Worker's compensation or similar insurance.

(G) A student health plan.

(H) A supplemental plan that always pays in addition to other coverage.

(I) An employer sponsored health benefit plan that is:

- (i) provided to individuals who are eligible for Medicare; and
- (ii) not marketed as, or held out to be, a Medicare supplement policy.

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A pharmacy benefit manager (as defined in IC 27-1-24.8-3); IC 27-1-24.5-12).

(6) A third party administrator (as defined in IC 27-1-25-1).

(7) An insurer (as defined in IC 27-1-26-1); excluding insurers of life insurance.

(8) (7) Any other person identified by the commissioner

for participation in the data base described in this chapter."

Page 2, delete lines 24 through 26.

Page 2, line 27, delete "(4)" and insert "**(3)**".

Page 2, line 32, delete "(5)" and insert "**(4)**".

Page 2, line 36, delete "(6)" and insert "**(5)**".

Page 2, line 41, delete "(7)" and insert "**(6)**".

Page 3, line 3, delete "(8)" and insert "**(7)**".

Page 3, line 8, delete "(9)" and insert "**(8)**".

Page 3, delete lines 12 through 13.

Page 4, line 20, delete "and administrator shall" and insert **"shall do the following:**

(1) Report to the governor and, in an electronic format under IC 5-14-6, to the general assembly not later than September 1 of each year on the following:

(A) The status of the operations of the data base.

(B) The financial stability of the data base.

(C) The status of efforts to obtain funding for the data base.

(2) Seek to establish agreements or requests with the federal Centers for Medicare and Medicaid Services to obtain their health claims data.

(3) Seek out federal funding opportunities for the costs of implementing and operating the data base."

Page 4, delete lines 21 through 26.

Page 4, line 35, delete "The department shall" and insert **"The department shall adopt emergency rules under IC 4-22-2-37.1 to implement this chapter. The rules must include a requirement that health payer data sources submit necessary information to the administrator. Rules enacted under this subsection must cover all health payer data sources as follows:**

(1) The department shall adopt rules that apply to health payers regulated under IC 27.

(2) The family and social services administration shall adopt rules that apply to health payers regulated under IC 12.

(3) The state department of health shall adopt rules that apply to health payers regulated under IC 16.

(4) The Indiana professional licensing agency shall adopt rules that apply to health payers regulated under IC 25."

Page 4, delete lines 36 through 38.

Page 6, line 1, delete "health insurers." and insert **"a domestic insurance company that issues policies of accident and sickness insurance (as defined in IC 27-8-5-1)."**

Page 6, between lines 17 and 18, begin a new line block indented and insert:

"(2) The secretary of family and social services or a designee of the secretary.

(3) The commissioner of the state department of health or a designee of the commissioner."

Page 6, line 18, delete "(2) Two" and insert "**(4) Two**".

Page 6, line 22, delete "(3)" and insert "**(5)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1402 as printed February 4, 2021.)

SCHAIBLEY

Motion prevailed.

HOUSE MOTION (Amendment 1402-4)

Mr. Speaker: I move that House Bill 1402 be amended to read as follows:

Page 5, delete line 27 and insert **"members:"**.

Page 6, between lines 8 and 9, begin a new line block indented and insert:

"(13) One (1) individual representing organized labor, appointed by the president of the Indiana State AFL-CIO.

(14) One (1) individual representing joint labor-management administered health plans,

appointed by the president of the Indiana State Building and Construction Trades Council."

Page 6, line 9, delete "(13)" and insert "(15)".

Page 6, line 13, after "plans." insert "The governor shall appoint the advisory board members listed in subdivisions (1) through (12)."

Page 6, line 33, delete "section 6(b)" and insert "section 6(a)(13), 6(a)(14), and 6(b)".

(Reference is to HB 1402 as printed February 4, 2021.)

SHACKLEFORD

Upon request of Representatives Shackelford and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 82: yeas 30, nays 64. Motion failed. The bill was ordered engrossed.

House Bill 1562

Representative Carbaugh called down House Bill 1562 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1562-1)

Mr. Speaker: I move that House Bill 1562 be amended to read as follows:

Page 1, delete line 17, begin a new paragraph and insert:

"SECTION 2. IC 31-19-2-2, AS AMENDED BY P.L.146-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) **Except as provided in subsection (b),** a resident of Indiana who seeks to adopt a child less than eighteen (18) years of age ~~may~~, **must**, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

- (1) the petitioner for adoption resides;
- (2) a licensed child placing agency or governmental agency having custody of the child is located; or
- (3) the child resides.

(b) A petition for adoption of a child less than eighteen (18) years of age may be filed with the clerk of a court having probate jurisdiction in any county in Indiana if either of the following is filed with the petition:

(1) A written consent to the adoption from each individual whose consent to the adoption is required under IC 31-19-9 that:

(A) is executed by the individual in compliance with IC 31-19-9 not less than thirty (30) days before the petition for adoption is filed; and

(B) is not subject to a motion to withdraw consent under IC 31-19-10 filed by the individual less than thirty (30) days after the consent is executed.

(2) A certified copy of a court order terminating the parental rights of each parent whose consent to the child's adoption is required under IC 31-19-9.

~~(b)~~ **(c)** The county in which the petition for adoption may be filed is a matter of venue and not jurisdiction.

~~(c)~~ **(d)** Subject to IC 31-19-9-3, if an individual who files a petition for adoption of a child:

- (1) decides not to adopt the child; or
- (2) is unable to adopt the child;

the petition for adoption may be amended or a second petition may be filed in the same action to substitute another individual who intends to adopt the child as the petitioner for adoption. The amended petition or second petition under this subsection relates back to the date of the original petition.

SECTION 3. IC 31-19-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) **Except as provided in subsection (b),** an individual who is not a resident of Indiana and who seeks to adopt a hard to place child ~~may~~ **must** file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which the:

- (1) licensed child placing agency or governmental agency having custody of the child is located; or
- (2) child resides.

(b) A petition for adoption of a hard to place child may be filed with the clerk of a court having probate jurisdiction in any county in Indiana if either of the following is filed with the petition:

(1) A written consent to the adoption from each individual whose consent to the adoption is required under IC 31-19-9 that:

(A) is executed by the individual in compliance with IC 31-19-9 not less than thirty (30) days before the petition for adoption is filed; and

(B) is not subject to a motion to withdraw consent under IC 31-19-10 filed by the individual less than thirty (30) days after the consent is executed.

(2) A certified copy of a court order terminating the parental rights of each parent whose consent to the child's adoption is required under IC 31-19-9.

~~(b)~~ **(c)** The county in which a petition for adoption may be filed is a matter of venue and not jurisdiction."

Delete page 2.

(Reference is to HB 1562 as printed February 2, 2021.)

YOUNG

Motion prevailed. The bill was ordered engrossed.

Representative Lehman, who had been excused, is now present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1025

Representative Pressel called down Engrossed House Bill 1025 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bohacek.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1079

Representative Zent called down Engrossed House Bill 1079 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Brown.

Engrossed House Bill 1118

Representative Schaibley called down Engrossed House Bill 1118 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was

directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Baldwin and Crider.

Engrossed House Bill 1285

Representative Lindauer called down Engrossed House Bill 1285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 87, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jon Ford and Walker.

Engrossed House Bill 1365

Representative Wesco called down Engrossed House Bill 1365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 82, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jon Ford and Walker.

Engrossed House Bill 1418

Representative Negele called down Engrossed House Bill 1418 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Jon Ford.

Engrossed House Bill 1432

Representative Lehman called down Engrossed House Bill 1432 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay and Holdman.

Representative Summers, who had been present, is now excused.

Engrossed House Bill 1453

Representative Aylesworth called down Engrossed House Bill 1453 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 63, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Niemeyer and Rogers.

Engrossed House Bill 1464

Representative Carbaugh called down Engrossed House Bill 1464 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 91: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay and Holdman.

Engrossed House Bill 1479

Representative Wesco called down Engrossed House Bill 1479 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jon Ford and Walker.

Engrossed House Bill 1498

Representative Miller called down Engrossed House Bill 1498 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 46, nays 44. The bill failed for lack of a constitutional majority.

Engrossed House Bill 1532

Representative DeVon called down Engrossed House Bill 1532 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Grooms and Jon Ford.

[Journal Clerk's Note: Upon the request of Minority Leader GiaQuinta, the Speaker requested a moment of silence for the passing of Former First Lady, Susan Bayh.]

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as coauthor of House Bill 1005.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Jackson be added as coauthor of House Bill 1030.

AYLESWORTH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Carbaugh be added as coauthor of House Bill 1077.

PRESSEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr and Ledbetter be added as coauthors of House Bill 1118.

SCHAIBLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Lauer be added as coauthor of House Bill 1123.

LEHMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Manning and Sullivan be added as coauthors of House Bill 1168.

KARICKHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hatfield be added as coauthor of House Bill 1202.

MCNAMARA

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davisson be added as coauthor of House Bill 1229.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pryor and Pfaff be added as coauthors of House Bill 1479.

WESCO

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hostettler be added as coauthor of House Bill 1498.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1514.

COOK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Manning be added as coauthor of House Bill 1520.

SOLIDAY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 5, 19, 63, 123, 133, 238, 239, 242, 255, 264, 268, 279, 310, 336, 345, 348, 361, 382 and 400 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has overridden the veto of the Governor on Senate Enrolled Act 148-2020 and the same is herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Miller, the House adjourned at 8:07 p.m., this eighth day of February, 2021, until Tuesday, February 9, 2021, at 2:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives